

1  
2 ORDINANCE NO. 2005 - 09-07  
3

4 AN ORDINANCE RELATING TO LAND USE; CONTINUING A  
5 MORATORIUM ON THE FILING OF CERTAIN DEVELOPMENT APPLICATIONS  
6 WITHIN AN AREA DESCRIBED AS THE SALMON CREEK MORATORIUM  
7 AREA.

8 WHEREAS, by Ordinance No. 2005-07-21, the Board adopted an emergency  
9 moratorium on certain development applications within an area called the "Salmon Creek  
10 Moratorium Area"; and

11 WHEREAS, Salmon Creek Avenue (West Central) is one of 34 designated  
12 corridors identified under the County's Transportation Concurrency Management  
13 System, Chapter 40.350.020, CCC; and

14 WHEREAS, the operating level on said corridor has fallen below the level of  
15 service designated travel speed for such corridor; and

16 WHEREAS, the County has been unable to approve development proposals  
17 within the Salmon Creek Moratorium Area because of the operating level deficiency of  
18 the Salmon Creek Avenue (West Central); and

19 WHEREAS, major capital improvements will be necessary to remedy such  
20 operating level deficiency, which improvements are not currently scheduled in the near  
21 term nor are reasonably funded; and

22 WHEREAS, the Board is concerned that continued receipt of development  
23 applications impacting such corridor fails to adequately reflect the de facto concurrency  
24 moratorium that has been in effect for the corridor; will result in unproductive and

25 unnecessary controversy; will encourage inefficient land development; and will divert  
26 limited staff resources; and

27 WHEREAS, the Salmon Creek Moratorium Area consists of properties whose  
28 further development would result in further deterioration of the corridor's operating level  
29 of service; and

30 WHEREAS, the Board concludes that the continuation of the present moratorium  
31 is in the best public interest; makes known the inability to approve development  
32 proposals within the area; and will facilitate early and comprehensive exploration of  
33 solutions to the present transportation concurrency failure; now, therefore,

34 IT IS HEREBY ORDERED, RESOLVED AND DECREED BY THE BOARD  
35 OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF  
36 WASHINGTON, AS FOLLOWS:

37 Section 1. Moratorium. Except as provided for in Section 3, the moratorium  
38 upon the filing of applications and pre-applications for subdivisions, short subdivisions,  
39 site plans, and conditional use permits within the moratorium area adopted by ordinance  
40 2005-07-21 is hereby continued through September 12, 2006.

41 Section 2. Moratorium Area. The Salmon Creek Moratorium Area is shown  
42 on the map attached hereto as "Exhibit A."

43 Section 3. Exceptions. This moratorium shall not apply to the following:

44 a. Land use applications for neighborhood parks and those not  
45 seeking subdivision, short subdivision, site plan, or conditional use  
46 permit approval.

- 47                   b.     Applications which have become vested prior to the effective date  
48                             of Ordinance 2005-07-21, including the contingent vesting  
49                             provisions of CCC 40.510.
- 50                   c.     Applications which involved no net increase in traffic generation  
51                             from or to a site.
- 52                   d.     Applications whose traffic generation falls within reserved  
53                             capacity under CCC 40.350.020.
- 54                   e.     Applications which fall within an exception provided for in CCC  
55                             40.350.020.

56           Section 4.   No other effect. Nothing in this ordinance shall affect application  
57 of Chapter 40.350.020 CCC for developments outside of the Salmon Creek Moratorium  
58 Area which have traffic impacts within such area.

59           Section 5.   Work Plan. The Work Plan for studies related to the traffic  
60 conditions and possible solutions to the deficiencies attached hereto as Exhibit B is  
61 hereby adopted. Within six months, staff shall present a report to the Commission  
62 regarding its progress on the work plan, including the results of collaborating with the  
63 stakeholders work group.

64           Section 6.   Expiration. This ordinance shall expire at midnight on September  
65 12, 2006, unless the Board, by subsequent ordinance, extends or repeals this ordinance.

66    ///

67    ///

68    ///

69           Section 8.     Effective Date. This ordinance shall become effective  
70 immediately upon the date and time of its adoption.  
71

72           ADOPTED at 10:15 a.m. this 20 day of September, 2005.


73     Attest:

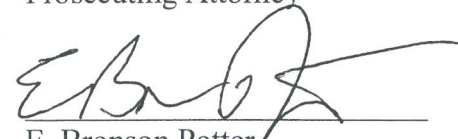
BOARD OF COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

74  
75  
76  
77   
78 Clerk to the Board

By: \_\_\_\_\_  
Betty Sue Morris, Chair

79  
80  
81  
82  
83     Approved as to form only:  
84     ARTHUR D. CURTIS  
85     Prosecuting Attorney

  
Marc Boldt, Commissioner

86  
87   
88  
89 E. Bronson Potter  
90 Senior Deputy Prosecuting Attorney  
91

  
Steven J. Stuart, Commissioner

## **Exhibit B**

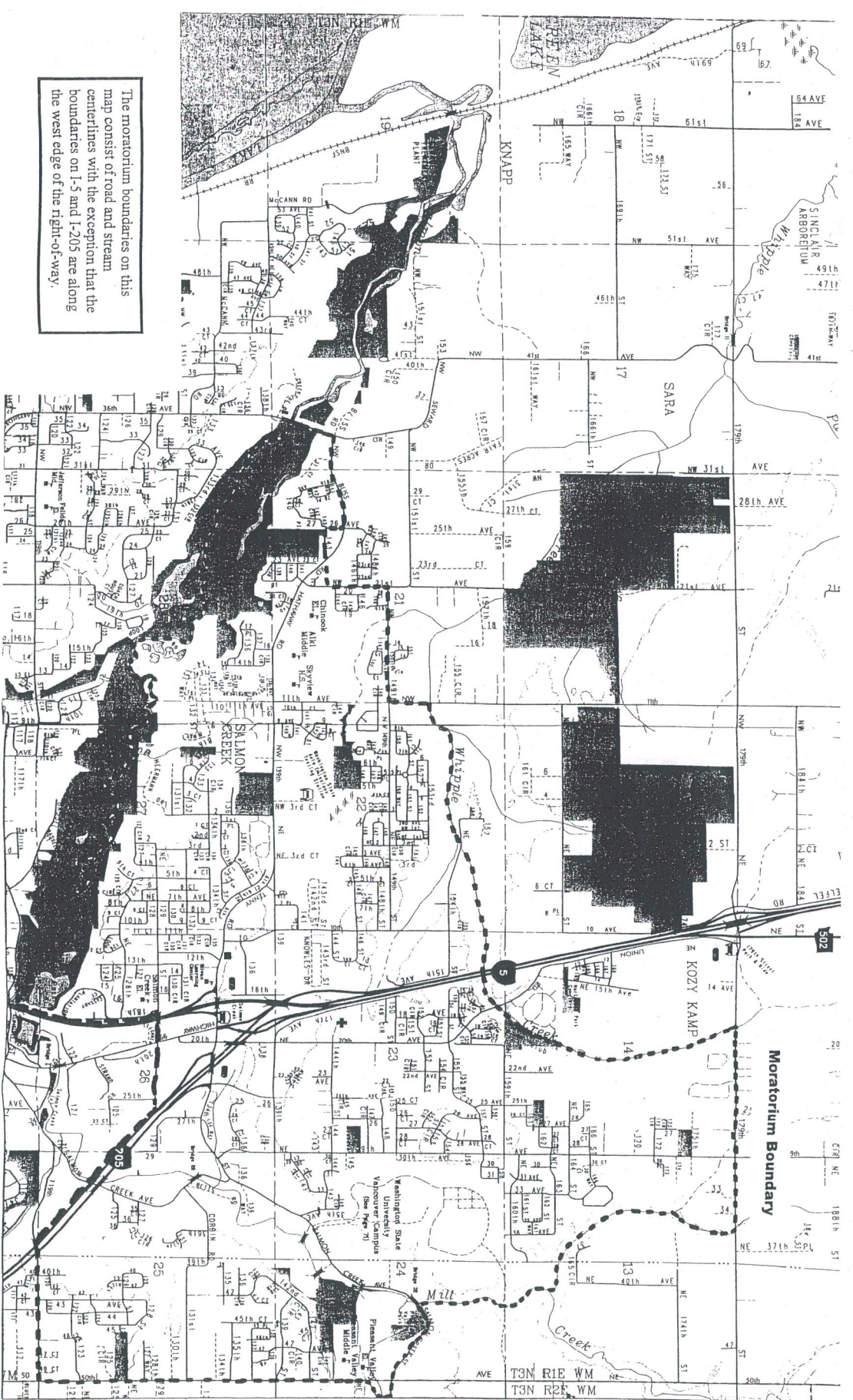
### **Work Plan Salmon Creek Moratorium September 13, 2005**

The Work Plan that the County would implement as an element of the moratorium consists of the following three components:

1. An updating of the Salmon Creek Concurrency model in response to recently completed roadway improvements in the area and the completion/occupancy of large new developments in the area. Included will be current traffic counts at key intersections on the corridor, an update of the in-process traffic being reserved for already approved developments, and the optimization of the signal timing on the failing corridor.
2. An evaluation of possible funding/timing policy options for the Salmon Creek interchange project and possible Concurrency program policy changes that could be used to resolve the Concurrency failure on the Salmon Creek Avenue corridor.
3. A worksession with the BOCC to explain the results of the Concurrency model updating and the policy evaluations



Exhibit A – Salmon Creek Moratorium Area



The moratorium boundaries on this map consist of road and stream centerlines with the exception that the boundaries on I-5 and I-205 are along the west edge of the right-of-way.